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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 24759 of 2025

N.Ramaswamy

Petitioner(s)

Vs

1. State Of Tamilnadu
Represented By Secretary,
Department of Health and Family Welfare,
Secretariat, Fort St George,
Chennai 600 009.

2.District Collector
Chennai District,
4th Floor Singaravelar Maligai,
62 Rajaji Salai, Chennai 600 001.

3.The Tahsildar
Ambattur Taluk, Chennai District

4.The Principal
Everwin Public School, No. 8 Second Main Road,
Ayyavu Nagar, Maduravoyal,
Chennai 600 095.



5.The Director

CBSE Chennai Regional Office

Old No. 1630A, 6th Avenue, 36thstreet,

Near Sri Devi Hospital,

Bharathi Colony, Bharathi Nagar,

Anna Nagar, Chennai 600 040.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration, to appoint the petitioner as the legal guardian of the person and properties of minors namely 1.Ms.Saavtivka and 2.Master Dinesh Ram with full power of Managment , administration.

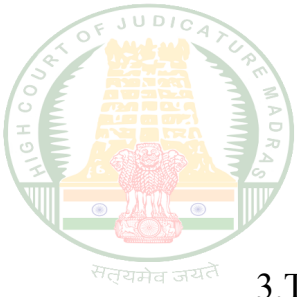
For Petitioner(s): Mr.GS.Shive Kumar

For Respondent(s): Mr.E.Sundaram
Government Advocate
for R1 to R3

ORDER

This writ petition has been filed for issue of writ of declaration to declare the petitioner as the legal guardian of the person and the properties belonging to minors viz., Ms.Saavtivka and Master Dinesh Ram.

2.Heard Mr.G.S.Shiva Kumar, learned counsel appearing on behalf of the petitioners and Mr.E.Sundaram, learned Government Advocate appearing on behalf of respondents 1 to 3.



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3.The case of the petitioner is that he is the paternal uncle of two minor children. According to the petitioner, the minor children lost both their parents during Covid-19 Pandemic. The father passed away on 14.10.2020 and the mother passed away on 29.04.2022. Thereafter, it is the petitioner who is taking care of the education and general welfare of the minors. The further case of the petitioner is that the minor children are studying in the 4th respondent School and they are insisting that the petitioner must get a Guardianship Certificate for updating the school records and for issuing the Transfer Certificate in compliance with the education policy of the 5th respondent by following the CBSE norms. It is under these circumstances, the present writ petition has been filed before this Court.

4.In the considered view of this Court, this Court exercising its jurisdiction under Article 226 of the Constitution of India cannot declare a person to be a legal guardian of the minors. Likewise, even the official respondents cannot give any such declaration. The petitioner has to file a



necessary application under the Guardians and Wards Act before the concerned

District Court and seek for such a declaration and the competent Court on

considering the facts and the materials placed before the Court, takes a decision

regarding declaring a person as a guardian of the person and property of minor

children. Therefore, except giving this clarity, no further orders can be passed in

this writ petition.

5.This writ petition is disposed of in the above terms. No Costs.

09-07-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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N.ANAND VENKATESH J.

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